



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes PLANNING COMMISSION

*Bob Kinney - Chairman*  
*Kent Rosenbury, Ward 1*  
*Bryon "Tee" Anderson, Ward 2*  
*Hicks Poor, Ward 3*  
*Roy Vanderslice, Ward 4*  
*Brenda McCrae, Ward 5*  
*Stephen Diffley, Ward 7*

---

Tuesday, September 2, 2014

6:00 PM

City Hall Council Chambers

---

Present: R. W. "Bob" Kinney, Stephen Diffley, Roy Vanderslice, Brenda McCrae, Byron "Tee" Anderson, Kent Rosenbury

Absent: Hicks Poor

*Staff:*

*Brian Binzer, Development Services Director*  
*Rusty Roth, Development Services Manager*  
*Patsy Bryan, Secretary to the Board*  
*Shelby Little, Urban Planner*  
*Matthew Williams, Urban Planner*  
*Daniel White, City Attorney*

### MINUTES:

20140928

#### August 5, 2014 Regular Planning Commission Meeting Minutes

Review and Approval of the August 5, 2014 Regular Planning Commission Meeting Minutes

*Mr. Diffley made a motion to accept the August 5, 2014 Regular Planning Commission Meeting Minutes, seconded by Mr. Vanderslice. The motion carried 6 – 0 – 0.*

**A motion was made by Diffley, seconded by Vanderslice that these Minutes be Approved and Finalized. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent:** 1

**Vote For:** 6

### REZONINGS:

**20140823****Z2014-15 William C. Hagemann Profit Sharing Plan 194 Locust Street**

**Z2014-15 [REZONING] WILLIAM C. HAGEMANN PROFIT SHARING PLAN** request rezoning for property located in Land Lot 11580, District 16, Parcel 0850, 2nd Section, Marietta, Cobb County, Georgia and being known as 194 Locust Street from LI (Light Industrial) to R-4 (Single Family Residential 4 units/acre). Ward 3A.

*File #20140823 (Z2014-15) was presented by Mr. Roth for property located in Land Lot 11580, District 16, Parcel 0850, and being known as 194 Locust Street.*

*A public hearing was held.*

*The applicant and owner, William C. Hagemann of William C. Hagemann Profit Sharing Plan, is requesting rezoning from LI (Light Industrial) to R-4 (Single Family Residential 4 units/acre) in order to build an owner occupied single family detached residence on 0.25 acres.*

*Mr. Hagemann has owned this undeveloped lot for about 7 years. The intention of the proposed owners is to build a custom built single family detached home on the property.*

*There was no one in support of this request or in opposition.*

*The public hearing was closed.*

*Mr. Diffley made a recommendation to city council that this request for rezoning be approved as submitted, seconded by Mr. Rosenbury. Motion carried 6 – 0 – 0.*

**A motion was made by Diffley, seconded by Rosenbury that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent: 1**

**Vote For: 6**

**20140850****Z2014-16 Venture Homes, Inc. 1725 White Circle**

**Z2014-16 [REZONING] VENTURE HOMES, INC.** request rezoning for property located in Land Lot 08620, District 16, Parcel 0010, 2nd Section, Marietta, Cobb County, Georgia and being known as 1725 White Circle from RA-6 (Single Family Residential-Attached) to PRD-SF (Planned Residential Development-Single Family). Ward 4B.

*File #20140850 (Z2014-16) was presented by Mr. Roth for property located in Land Lot 08620, District 16, Parcel 0010, and being known as 1725 White Circle.*

*A public hearing was held.*

*Garvis L. Sams, Jr., agent for the applicant and property owner, Robert White with Venture Homes, Inc., is requesting the rezoning of 9.65 acres located at 1725 White Circle for the purpose of constructing thirty two (32) single family detached homes. The property is currently zoned RA-6 (Single Family Residential Attached – 6 units per acre); the applicant is requesting the property be rezoned to PRD-SF (Planned*

*Residential Development – Single Family).*

*Mr. Sams gave a detailed description and history of the property and referred to his letter of stipulations.*

*No one in support or opposition to this request.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion to approve the rezoning from RA-6 to PRD-SF with no stipulations and no revised site plan, seconded by Mr. Diffley.*

*Chairman Kinney asked Mr. Vanderslice to amend his motion to include the letter of stipulation dated July 22, 2014. Mr. Vanderslice declined.*

*Daniel White explained that the PRD-SF is site plan specific zoning. A recommendation needs to be made based upon the site plan and the site plan is a part of the letter of stipulation of September 2, 2014.*

*Mr. Vanderslice amended his previous motion to divide the letter for separate consideration on each point which calls for a separate vote by this body on each stipulation, up or down, whether it be approved or not, to be forwarded. This would allow the Board to look at each stipulation and vote on each one separately or as a group.*

*Mr. Vanderslice made a suggestion to vote on what is on the table.*

*Mr. Anderson made a motion, seconded by Mrs. McCrae, to approve the rezoning from RA6 to PRD-SF, as submitted, including the site plan dated September 2, 2014. The motion failed by a vote of 3-3.*

*Chairman Kinney restated the original motion made by Mr. Vanderslice, seconded by Mr. Diffley, to approve the rezoning from RA-6 to PRD-SF, with no site plan and no stipulations. The motion carried 5 – 1 – 0 with Mr. Rosenbury opposed.*

**A motion was made by Vanderslice, seconded by Diffley that this Ordinance be Recommended for Approval as Stipulated. The motion CARRIED by the following vote: 5 – 1 – 0**

**Absent: 1**

**Vote For: 5**

**Vote Against: 1**

## **REZONINGS/ANNEXATIONS/FUTURE LAND USE:**

### **20140851      Z2014-17 Steven F. McNeel Vacant Property on White Circle**

**Z2014-17 [REZONING] STEVEN F. MCNEEL** request rezoning for property located in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as vacant property on White Circle from LI (Light Industrial-County) to LI (Light Industrial-City). Ward 4B.

*File #20140851 (Z2014-17) was presented by Mr. Roth for property located in Land Lot 08630, District 16, Parcel 0050 and being known as vacant property on White Circle.*

*A public hearing was held.*

*The applicant, Steven F. McNeel, representing the property owner, Hiram Wilson of AFW, LLC, is requesting to rezone a 4.55 acre parcel of property located off White Circle from LI (Light Industrial) in Cobb County to LI (Light Industrial) in the City of Marietta. The intent is to build a light industrial warehouse.*

*Mr. Elliott Bluestein, a resident of 624 Maple Grove Way in the Hamilton Grove Subdivision, directly abuts Mr. McNeel's property. Mr. Bluestein stated that there are approximately 110 homes with young families and children. Concerns stated by Mr. Bluestein included White Circle being a narrow and winding road, no sidewalks, truck traffic, type of businesses leasing property, and overflow of stream.*

*Various questions continued by Kent Rosenbury, Roy Vanderslice, Stephen Diffley, and Chairman Kinney.*

*The public hearing was closed.*

*Mr. Anderson made a motion to recommend to city council that this be rezoned as submitted from LI [Light Industrial (County)] to LI [Light Industrial (City)], seconded by Mrs. McCrae. Motion carried 6 – 0 – 0.*

**A motion was made by Anderson, seconded by McCrae that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent: 1**

**Vote For: 6**

**20140852      A2014-04 AFW, LLC (Hiram N. Wilson, Managing Member) Vacant Property on White Circle**

**A2014-04 [ANNEXING] AFW, LLC (HIRAM N. WILSON, MANAGING MEMBER)** request annexation for property located in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as vacant property on White Circle from LI (Light Industrial-County) to LI (Light Industrial-City) and consisting of 4.55 acres, along with all required right-of-way. Ward 4B.

*File #20140852 (A2014-04) was presented by Mr. Roth for property located in Land Lot 08630, District 16, Parcel 0050 and being known as vacant property on White Circle.*

*A public hearing was held.*

*The property owner, AFW, LC – Hiram N. Wilson, III (Managing Member), is requesting annexation for 4.55 acres of property located off White Circle.*

*Mr. McNeel asked to incorporate his previous remarks for this annexation request.*

*There was no one in support and no one in opposition to this request.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion to recommend to city council that this proposal for annexation be accepted as submitted, seconded by Mr. Diffley. Motion carried 6 – 0 – 0.*

**A motion was made by Vanderslice, seconded by Diffley that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent:** 1

**Vote For:** 6

**20140853 CA2014-07 Code Amendment - Vacant Property on White Circle**

**CA2014-07 [CODE AMENDMENT]** In conjunction with the requested annexation of property in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as vacant property on White Circle, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

*File #20140853 (CA2014-07) was presented by Mr. Roth in conjunction with the requested annexation of property in Land Lot 08630, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as vacant property on White Circle, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential) or IW (Industrial Warehousing) which is a more appropriate use for Light Industrial (LI).*

*A public hearing was held.*

*There was no one in support or in opposition to this request.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion to recommend to city council that the future land use designation of IW (Industrial Warehousing) be approved, seconded by Mrs. McCrae. The motion carried 6 – 0 – 0.*

**A motion was made by Vanderslice, seconded by McCrae that this Ordinance be Approved and Finalized. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent:** 1

**Vote For:** 6

**20140919 Z2014-18 City of Marietta - Lower Roswell Road / Kipling Drive Annexation**

**Z2014-18 [REZONING] CITY OF MARIETTA** request rezoning for property located in Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189

Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. Ward 7A.

*File #20140919 (Z2014-18) as presented by Mr. Roth, the City of Marietta is requesting annexation and rezoning of properties along Lower Roswell Road and Kipling Drive. A total of 19 properties currently in Cobb County are designated for rezoning and annexation into the city. The current zoning in the county is GC (General Commercial) and the proposed rezoning would be CRC (Community Retail Commercial). The properties are as follows:*

*Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (110 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)].*

*A public hearing was held.*

*Chairman Kinney and Mr. Roth stated that CRC (City) and GC (County) are equivalent to each other. GC in the county is an obsolete zoning classification and any new development will require rezoning in the county to CRC. This is also a part of an island annexation. These 19 locations have been identified in order to decrease the size of the island as allowed by state law.*

*There was no one in support of this request.*

*Mr. Ronald P. Johns' family owns 1647 Lower Roswell Road, 1653 Lower Roswell Road, 189 Kipling Drive, and 193 Kipling Drive which are contiguous and is the managing partner.*

*Mr. Johns is opposed to rezoning and annexation.*

*Chris Mattingly, owner of 1680 Lower Roswell Road as a golf cart dealership. Mr. Mattingly also owns and rents 1670 Lower Roswell Rd. Mr. Mattingly objects to this annexation because of his interpretation that his taxes will go up.*

*Mr. Roth addressed Mr. Mattingly's concern about his tax increase.*

*Mr. Roth offered assistance for anyone to go over our rules and look at the difference in millage rate.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion to recommend to city council that this rezoning be approved, seconded by Mr. Rosenbury, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. The motion carried 6 – 0 – 0.*

A motion was made by Vanderslice, seconded by Rosenbury that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 6 – 0

Absent: 1

Vote For: 6

**20140920**

**A2014-05 City of Marietta - Lower Roswell Road & Kipling Drive  
Annexation**

**A2014-05 [ANNEXATION] CITY OF MARIETTA** requests annexation for property located in Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)] and consisting of 5.6639 acres, along with all required right-of-way. Ward 7A.

*File #20140920 (A2014-05) as presented by Mr. Roth, the City of Marietta is requesting annexation for the 19 properties in the Lower Roswell Road and Kipling Drive area. The properties consist of 5.66 acres and includes all required right-of-way. The properties are as follows:*

*Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)]. 5.66 acres.*

*The City of Marietta is seeking to annex nineteen (19) parcels along Lower Roswell Road and Kipling Drive. All properties are currently zoned GC (General Commercial) in the County. The comparable zoning district in the City is CRC (Community Retail Commercial), which is being requested for each parcel.*

*There was no one in favor of this request.*

*Ronald Johns, owner of 1647 Lower Roswell Road, 1653 Lower Roswell Road, 189 Kipling Drive, and 193 Kipling Drive, stated that these properties have been in his family since the last 1950s to early 1960s. Mr. Johns gave his opinion as to why this*

*property is being annexed and stated that he is vehemently opposed to these annexations.*

*Chris Mattingly also spoke against this annexation.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion to recommend to city council that these properties be annexed as submitted, seconded by Mrs. McCrae. Motion carried 6 – 0 – 0.*

**A motion was made by Vanderslice, seconded by McCrae that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent: 1**

**Vote For: 6**

**20140921 CA2014-07 Code Amendment - City of Marietta - Lower Roswell Road & Kipling Drive Annexation**

**CA2014-09 [CODE AMENDMENT]** In conjunction with the requested annexation of property in Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as CAC (Community Activity Center). Ward 7A.

*File #20140921(CA2014-09) Mr. Roth presented the Code Amendment in conjunction with the requested annexation of the 19 properties located in the Kipling Drive and Lower Roswell Road area. The future land use designation proposed for this area is CAC (Community Activity Center) which is the appropriate future land use category for properties zoned CRC (Community Retail Commercial). The properties are as follows:*

*Land Lot 12070, District 16, Parcels 0350 (106 Kipling Dr.), 0370 (108 Kipling Dr.), 0390 (109 Kipling Dr.), 0440 (1663 Lower Roswell Rd), 0450 (1670 Lower Roswell Rd), 0430 (1675 Lower Roswell Rd), 0460 (1680 Lower Roswell Rd), 0420 (1685 Lower Roswell Rd), 0550 (1698 Lower Roswell Rd), Land Lot 12080, District 16, Parcels 0200 (189 Kipling Dr), 0210 (193 Kipling Dr), 0230 (1523 Lower Roswell Rd), 0240 (1523 Lower Roswell Rd), 0250 (1639 Lower Roswell Rd), 0300 (1642 Lower Roswell Rd), 0260 (1647 Lower Roswell Rd), 0290 (1648 Lower Roswell Rd), 0270 (1653 Lower Roswell Rd), 0280 (1654 Lower Roswell Rd), 2nd Section, Marietta, Cobb County, Georgia, from GC [General Commercial (County)] to CRC [Community Retail Commercial (City)].*

*A public hearing was held.*



*Mr. Johns asked for the meaning of CAC (Community Activity Center). Mr. Roth explained that the Comprehensive Plan, for both county and city, designates the future use of property for the next 10, 20 or 30 years or more and that the property is expected to remain commercial for the foreseeable future.*

*Mr. Mattingly also inquired about the CAC category. Mr. Roth explained that zoning has the land use regulations that identify the use of the property and the setbacks. The future land use is more important in areas where there is a foreseeable transition to another type of use for areas along the edge of the city or county, changing from residential to another land use. For example, although the property is zoned residential, the future land use might be commercial.*

*The public hearing was closed.*

*Mr. Vanderslice made a motion to recommend to city council that the future land use be designated as CAC (Community Activity Center), seconded by Mr. Diffley. The motion carried 6 – 0 – 0.*

**A motion was made by Vanderslice, seconded by Diffley that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 6 – 0 – 0**

**Absent: 1**

**Vote For: 6**

## **CODE AMENDMENT**

### **20140917 CA2014-08 Code Amendment to the Comprehensive Development Code of the City of Marietta regarding Telecommunication Towers and Infrastructure**

**CA2014-08 [CODE AMENDMENT]** Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.07, Telecommunication Towers and Infrastructure.

*File #20140917 (CA2014-08) was presented by Mr. Roth for a Code Amendment that is a proposal to amend the Comprehensive Development Code of the City of Marietta concerning Telecommunications Towers and Infrastructure (Division 712.07).*

*Mr. Roth explained that there have been recent state changes to regulations regarding cell towers and telecommunications towers. This is a proposal to amend the city's regulations to comply with state changes.*

*There was no one in support or in opposition to this request.*

*The public hearing was closed.*

*Mr. Rosenbury made a motion to recommend to city council that the Amendment to the Comprehensive Development Code regarding, Division 712.07, Telecommunication Towers and Infrastructure be adopted as submitted, seconded by Mr. Anderson. The motion carried 6 – 0 – 0.*

**A motion was made by Rosenbury, seconded by Anderson that this Ordinance be Recommended for Approval. The motion CARRIED by the following vote: 6 – 0 – 0**

Absent: 1

Vote For: 6

**ADJOURNMENT:**

*The September 2, 2014 Planning Commission Meeting adjourned at 7:37 p.m.*

---

ROBERT W. KINNEY, CHAIRMAN

---

PATSY BRYAN, SECRETARY